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# THE DECENNIAL PUBLICATIONS

THE COMMENTARIOLUM PETITIONIS ATTRIBUTED  
TO QUINTUS CICERO

BY

GEORGE LINCOLN HENDRICKSON

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# THE DECENNIAL PUBLICATIONS

THE COMMENTARIOLUM PETITIONIS ATTRIBUTED TO  
QUINTUS CICERO

AUTHENTICITY, RHETORICAL FORM, STYLE, TEXT

BY

GEORGE LINCOLN HENDRICKSON

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# THE COMMENTARIOLUM PETITIONIS ATTRIBUTED TO QUINTUS CICERO

GEORGE LINCOLN HENDRICKSON

## AUTHENTICITY

IT is now just ten years (I write in September, 1902) since I published in the *American Journal of Philology* (Vol. XIII, pp. 200-212) a brief paper in which, as I thought, I was able to adduce conclusive evidence of the spuriousness of the *Commentariolum*. Its authenticity had already been called into question on quite inadequate evidence by A. Eussner in a Würzburg *Program* of 1872, while Mommsen in the third volume of his *Staatsrecht* of the year 1887 (p. 484 and note) had alluded to the work as spurious, but without discussion of reasons for his belief apart from a single example of erroneous statement relating to the *ordo equester*. Eussner's discussion was answered at considerable length by Professor Tyrrell, first in *Hermathena* and later in Vol. I of his edition of the letters. But while the many trivial arguments of Eussner fell an easy prey to the almost indignant pen of Professor Tyrrell, yet it is, I fancy, an impartial verdict, that he succeeded in refuting Eussner rather than in defending Quintus.<sup>1</sup>

The question is naturally not a burning one, but (apart from private expressions of opinion which came to me) in the course of time I noted that my argument had won a few adherents, of whom I may name Professor Gudeman in his treatment of "Literary Frauds Among the Romans" (*Transactions of the Am. Phil. Ass'n*, Vol. XXV, p. 154, note 2), and Dr. L. Gurlitt, the eminent connoisseur of Cicero's letters, in the *Jahresbericht* for 1898 (Vol. XXVI, p. 3). But I did not convince Professor Leo, who in the course of a discussion of the date of publication of the letters to Atticus,<sup>1</sup> defended the genuineness of the *Commentariolum*, nor Schanz, who in the second edition of the *Römische Literaturgeschichte* still holds to the position originally taken by him toward the question. Most recently Dr. J. Ziehen — and his words have impelled me to revert to the subject once more — has used this discussion to illustrate the general reaction toward a more conservative point of view in the higher criticism of Roman literature,<sup>2</sup> assuming that the authenticity of the work in question is now generally acknowledged. That such is the case I shall not dispute, but I am stirred to protest when this conservative reaction is illustrated by a series of examples which places the challenging of the genuineness of the *Commentariolum* on a par with the frivolous

<sup>1</sup>Cf. LEO, "Die Publication von Cicero's Briefen an Atticus," *Nachrichten d. k. Gesellschaft d. Wissenschaften zu Göttingen, phil.-hist. Klasse*, 1895, pp. 447 ff. "Tyrrell hat seine Vertheidigung geführt ohne, wie mir scheint, den Kern der Sache zu treffen."

<sup>2</sup>"Echtheitsfragen derrömischen Literaturgeschichte," *Berichte d. freien deutschen Hochstiftes zu Frankfurt a. M.*, 1901, p. 84. I am indebted to Dr. Ziehen himself for a copy of his valuable paper, with the general tendency and results of which I am in full accord.

1924

Gurlitt

doubts of the early nineteenth century concerning the orations against Catiline, the orations *post reditum* and the *pro Marcello*. The considerations advanced by Wolf, and especially by his German and Dutch emulators, against any of these orations were never more than of a most general character—suspicions of the presence of bombast, declamatory rhetoric, and the *magister umbraticus*. Of definite relations to other works of literature, which would reveal the pillager, examples were not shown.

Now in regard to the *Commentariolum* I would carefully eliminate so far as possible all considerations of a vague or general character, and so throw over voluntarily much, or rather most, that Eussner advanced. I would let the question rest upon a comparison of resemblances with literature of a time subsequent to the date at which the treatise purports to have been written, that is, subsequent to the middle of the year 64, the earliest date which can be assigned to it, if genuine. Confirmation of this result I shall then endeavor to point out from a study of the rhetorical form and style of the treatise. Although all scholars who have discussed this question concede the relationship of certain passages of the *Commentariolum* to the oration *in Toga Candida* (delivered just before the consular election of 64), and assume that Marcus Cicero borrowed from the recent campaign document of Quintus, yet I will reproduce them here for the sake of affording a complete list of the most essential parallels.

Of Antonius we read, *Com. 8: vocem audivimus iurantis se Romae iudicio aequo cum homine Graeco certare non posse*. And in a fragment of the oration *in Tog. Cand.*, preserved by Asconius (edition of Kiessling and Schöll), p. 74, 26: *qui in sua civitate cum peregrino negavit se iudicio aequo certare posse*.

Concerning the death of M. Marius at the hands of Catiline, *Com. 10: quid ego nunc dicam petere eum consulatum, qui hominem carissimum populo Romano, M. Marium, inspectante populo Romano . . . vivo stanti collum gladio sua dextera secucrit, . . . caput sua manu tulit*. *In Tog. Cand.* p. 78, 10: *populum vero, cum inspectante populo collum secuit hominis maxime popularis, quanti faceret ostendit*: and *ibid.*, p. 80, 22: *caput etiam tum plenum animae et spiritus ad Syllam . . . manibus ipse suis detulit*.

Of these passages and of a number of other rather striking points of contact between the two works Bücheler says, p. 9: “et haec quidem aliaque de Antoni praediis proscriptis, de Catilinae stupris, de Africa provincia, de testium dictis ac iudicio etiam si pariter uterque vel tractavit vel elocutus est, tamen quod temperum rerumque aut necessitate id factum est aut opportunitate, mutuatum esse alterum non liquet.” But concerning the two following passages he assumes that Marcus borrowed consciously from the recent letter of Quintus.

*Com. 10: qui nullum in locum tam sanctum ac tam religiosum accesserit in quo non etiam si aliis culpa non esset, tamen ex sua nequitia dedecoris suspicionem relinqueret*. *In Tog. Cand.*, p. 82, 3 (a passage which Asconius refers to a charge of incest with the vestal Fabia): *cum ita vixisti ut non esset locus tam sanctus quo non adventus tuus etiam cum culpa nulla subesset crimen adferret*. This the reading of

the lemma: Asconius in his comment (*ibid.*, vs. 8) gives *etiam si, etc.*, as in the *Com.* It is, I suppose, the cautious phraseology *etiam si aliis culpa non esset* which Bücheler means that Marcus found worth reproducing with *etiam cum (si) culpa nulla subesset*. As for the rest, Cicero had already used a similar phrase of Verres (I, 62): *ecquo in oppido pedem posuit ubi non plura [stuprorum flagitiorumque suorum] adventus sui vestigia reliquerit?*

*Com. 12: quis enim reperiri potest tam improbus civis, qui velit uno suffragio duas in rem publicam sicas destringere? In Tog. Cand.*, p. 83, 20 (which Asconius prefaces with the words *dicit de malis civibus): qui posteaquam illo <quo> conati erant Hispaniensi pugiunculo nervos incidere civium Romanorum non potuerunt, duas uno tempore conantur in rem publicam sicas destringere.*

It is perhaps worth noting, but scarcely of any significance for our question, that these four passages of most striking resemblance between the *Commentariolum* and the oration *in Toga Candida* occur in the same sequence in both works. Concerning this last example a significant point has been overlooked. In the first place the antithesis of *uno suffragio* with *duas sicas destringere* falls out of the figure in puerile fashion, which is not the case with Marcus's very natural phrase *duas uno tempore sicas destringere*. But furthermore—and this to my thinking is a decisive consideration—the essential antithesis in the oration is not between *duas sicas* and *uno tempore*, but between the Spanish stiletto (*Hispaniensi pugiunculo*),<sup>3</sup> which had failed to cut the sinews of the state, and the two daggers (*sicas*) which the same citizens were now attempting to draw. In the *Commentariolum* the metaphor is launched abruptly, in trivial antithesis to *uno suffragio*, with rather frigid effect; in the fragment of the *in Toga Candida* the whole phrase *duas in rem publicam sicas destringere* is the natural outgrowth of and antithesis to the preceding metaphor *Hispaniensi pugiunculo nervos incidere*. That is, once given this metaphor, the second is an outgrowth of the historical relationships, and not a random shot of rhetorical pyrotechnics as in the *Commentariolum*. But it will hardly be questioned, I imagine, that looked at *per se*, the place where the metaphor is most natural and in most organic relation to the context is most likely to be the original place of its occurrence.

Let us now turn to the oration *pro Murena*, which likewise reveals some striking points of contact with the *Commentariolum*. Some of the most essential parallels were pointed out by Eussner, along with many examples of very doubtful character, which only served to cast discredit upon his method. To these I added some further examples in my former discussion. That there is in them such closeness of resemblance as would point decisively to a relationship between the two documents has been denied by Tyrrell and Schanz. Leo, however, recognizes them along with the passages of the oration *in Toga Candida* as genuine reminiscences from the work of Quintus.<sup>4</sup> That

<sup>3</sup> ASCONIUS, *loc. cit.*: "Hispaniensem pugiunculum Cn. Pisonem appellat quem in Hispania occisum dixi."

<sup>4</sup> *Loc. cit.*, p. 449: "Dieser (Marcus Cicero) hat in die Rede *in Toga Candida* bald nach Empfang des Briefes . . .

einzelne Wendungen aus der Schrift des Bruders verflochten, und auch die Rede *pro Murena* des nächsten Jahres zeigt Anklänge an den Brief."

some relationship between the two works exists, a comparison such as the following must, I think, convince anyone. *Pro Murena*, 44: *petitorem ego, praesertim consulatus, magna spe magno animo magnis copiis et in forum et in campum deduci volo* [Com., 36: *magnam affert opinionem, magnam dignitatem cotidiana in deducendo frequentia*]; *placet mihi . . . persalutatio, praesertim cum iam hoc novo more omnes fere domos omnium concurrant* [Com., 35: *in saluatoribus, qui magis vulgares sunt et hac consuetudine quae nunc est pluris veniunt*], *et ex vultu candidatorum coniecturam faciant quantum quisque animi et facultatis habere videatur*. [Com., 34: *nam ex ea ipsa copia (assectatorum) coniectura fieri poterit, quantum sis in ipso campo virium ac facultatis habiturus*].

But it is possible, I am convinced, to go farther than merely to point out resemblances. It can be shown that certain ideas and certain expressions in the *Commentariolum* are intelligible, or fully intelligible, only in the light of the oration *pro Murena*. In Com., 55 the author admonishes Cicero, in view of the danger of bribery: *fac . . . ut intellegas eum esse te qui iudicii ac periculi metum maximum competitoribus afferre possis, fac ut se abs te custodiri atque observari sciant*. The admonition concludes with a qualification as follows: *atque haec ita nolo te illis proponere ut videre accusationem iam meditari, sed ut hoc terrore facilius hoc ipsum quod agis consequare*. The words are not likely to strike one as obscure; but it is nevertheless not easy to see why Cicero is advised to show his teeth and yet not seem to be on the point of bringing them together. It is rather a subtle balance which the words with some ineptitude enjoin. Indictments of candidates by each other during the *petitio* on charges of bribery were not unusual, and in this very canvass of 64, had not the tribune of the people, Q. Mucius Orestinus, intervened to prevent the passage of a *lex ambitus aucta etiam cum poena* (Asconius in the argument of the oration *in Tog. Cand.*, page 74), we might have had a legal action against Catiline and Antonius instead of the senatorial speech *in Toga Candida*. As it was, Cicero used the opportunity of a protest against the *intercessio* of Orestinus to deliver himself of an invective against his competitors which could not have differed greatly in moral significance from an *accusatio*. But for some reason, the author of the *Commentariolum* admonishes, Cicero must not seem *accusationem iam meditari*. The explanation of this statement is afforded by *pro Murena*, 43 ff., where at considerable length and with much sprightly banter Cicero argues that Sulpicius lost his chance of election by stopping in the midst of his candidacy to prosecute his opponents for bribery: *nescio quo pacto semper hoc fit, . . . simul atque candidatus accusationem meditari visus est, ut honorem desperasse videatur*.<sup>5</sup> The author of the *Commentariolum* has generalized this admonition (*atque haec ita nolo te illis proponere ut videre accusationem*

<sup>5</sup> My statement above, that Tyrrell denies that the resemblances between the *Com.* and the *pro Murena* point to a relationship of any kind between the two documents, requires correction with reference to this example: "In this case," he says (Vol. I<sup>2</sup>, p. 119 extr.), "it seems to me very

probable that Marcus in his speech availed himself of a reminiscence of his brother's Essay which he had perhaps been editing very recently." But that this cannot be the relation has been made clear.

*iam meditari*) from the statement which suited the particular exigencies of Cicero's argument in behalf of Murena.

This same special argument of the *pro Murena* serves to cast light upon still another passage of the *Commentariolum*, which by itself has afforded not a little difficulty to editors (52): *cura . . . ut etiam si qua possit ne competitoribus tuis existat aut sceleris aut libidinis aut largitionis accommodata ad eorum mores infamia*. The question at issue here among the critics is whether *ne* shall be kept or omitted. Those who look upon the text as sound (*e. g.*, Orelli) appeal to the generous admonition of sec. 40 as a parallel. Bücheler combats this interpretation vigorously, and with Palermus and Gulielmius thinks that *ne* is inappropriate. He sees in it a corruption of *nova*, and would read accordingly *ut si qua possit nova competitoribus existat infamia*.

The text is, however, sound, but it would be a mistake to attribute the thought to a generous motive. The presence of the admonition here is closely connected with the position which these words occupy as the conclusion of the *partitio* outlined in 41 — *speciem in publico*.<sup>6</sup> This final member is introduced by the words which immediately precede the sentence under discussion thus: *postremo tota petitio cura ut pompae plena sit, ut illustris, ut splendida, ut popularis sit, ut habeat summam speciem ac dignitatem, ut etiam, etc.* (as above). In what connection with this advice concerning brilliancy and splendor of campaign the injunction under consideration (*ne competitoribus existat infamia*) stands it is not easy to see, nor is it strange that critics have found it a block of stumbling. But here again the *pro Murena* plays the rôle of commentary to the writer's thought. We have already seen that Cicero tells Sulpicius that he revealed his ignorance of the art of campaigning by prosecuting a competitor in the course of his canvass. People demand, he says (44), of their candidate an appearance of confidence, a brilliant display of resources, etc. (*petitorem ego, praesertim consulatus, magna spe magno animo magnis copiis et in campum et in forum deduci volo*). But Sulpicius, busy with his prosecution, appeared downcast and distracted: (49) *te inquirere videbant, tristem ipsum, maestos amicos. . . .: Catilinam interea alacrem atque laetum, stipatum choro iuventutis, etc.*, and so, to escape the impending success of Catiline, men voted for Murena. In the light of this description it becomes clear why the author of the *Commentariolum* urges in this connection: *ut si qua possit (possis?) ne competitoribus tuis existat infamia*. That is, following the suggestion of Cicero's description in the *pro Murena*, he advises that any notorious scandal such as might be looked for from the character of his competitors (*accomodata ad eorum mores*) be not allowed to come to public notice and (by compelling attention) transform the brilliancy and dignity of Cicero's campaign into an uninteresting prosecution.

There remains still another passage of the *Commentariolum* which I believe shows even more clearly the dependence of its author upon the *pro Murena*. I pointed out the verbal resemblance in my former article, though at that time I did not discern the

<sup>6</sup> On the reading (for *spem in republica* of the MSS.) see below, p. 24.

full significance of the passage for this question. In *pro Murena*, 21, Cicero ridicules Sulpicius's contention that, having been at Rome engaged in the affairs of the forum, he deserved the consulship rather than Murena, who for so many years had been absent in the army. After some further development of this theme Cicero reminds Sulpicius that the very fact of always being in Rome and in the forum causes people to grow tired of one's presence: *ista nostra adsiduitas, Servi, nescis quantum interdum adferat hominibus fastidii, quantum satietatis*. In his own case, he continues, presence had been of advantage, but only by diligent effort had he overcome its disadvantages: *mihī quidem vehementer expedit positam in oculis esse gratiam; sed tamen ego mei satietatem magno meo labore superavi*. With unmistakable reminiscence of the same phraseology, the author of the *Commentariolum* says under the caption *assiduitas* (43): *prodest quidem vehementer nusquam discedere; sed tamen hic fructus est assiduitatis, non solum esse Romae atque in foro, sed assidue petere, etc.* In this passage, apart from the striking formal resemblances, the reader will discern the whole background of Cicero's discussion in the *pro Murena* — the suggestion that mere presence in Rome is not necessarily an advantage (*quidem*), that the true reward of *assiduitas* can only come to one, as it came to Cicero, by diligent effort. The author has generalized for the purpose of his argument the exception which Cicero makes in his own case (*mihī quidem*).<sup>7</sup> In this example, as in the preceding one, the text of the *Commentariolum* has not gone unchallenged. The adversative idea introduced by *sed tamen*, which is perfectly clear in the light of the *pro Murena*, has caused difficulty, and was transposed by Eussner to the end of the section (after *rogatum*).

The resemblances of the *Commentariolum* to the long first letter of Marcus ad Quintum fratrem are of a somewhat different character from those thus far considered. For it is obvious that the totally different subject-matter would not afford to the author precepts *de petitione consulatus*. The resemblance is generic rather than specific. But in any theory of the spuriousness of the *Commentariolum* it must be the most natural hypothesis to assume that the letter of Marcus furnished the later rhetorician or rhetorical student with the suggestion of an epistolary *suasoria* of similar kind. No one can read the two works side by side without feeling a certain relationship between them, and yet in the matter of detailed resemblances there is nothing of a decisive character which can be adduced. In making this statement I should fear that I might seem merely to reflect the impression of a prejudiced mind if I could not appeal to the words of Bücheler on this point, written before the question of authenticity had been raised (p. 10): "Marcus par pari quodam modo rettulit missa ad fratrem epistula praeclara I, 1, quae cum in genere scribendi . . . proxime ad commentariolum hoc accedat, tum singula habet adsimilia velut ibi quae leguntur § 37

<sup>7</sup>That Cicero's treatment of the matter in the *pro Murena* arises from the particular circumstances of the case in hand seems to have been noted also by Tydeman, "In Q. Ciceronis de pet. cons. librum adnotatio," Leyden, 1838: "Nec metuenda est illa assiduitatis satietas, quam causae atque amici gratia Cicero refert."

I would note further in this connection that Tydeman finds the relationship between *Com.*, 37 and *pro Murena*, 70 so close, that Marcus "hunc Quinti locum oculis propositum habuisse videatur" (p. 55).

admodum concinunt cum Quinti sententia § 39." The passages are as follows: (Cicero says that the only exception he hears to the praise of Quintus touches his proneness to anger): *non suscipiam ut quae de iracundia dici solent a doctissimis hominibus ea nunc tibi exponam.* And a little further on: *neque ego nunc hoc contendo . . . mutare animum . . . sed te illud admoneo, etc.* Compare *Com.*, 39: *non est huius temporis perpetua illa de hoc genere disputatio, quibus rebus benivolus et simulator diiudicari possit; tantum est huius temporis admonere.*

In the oration *pro Caelio*, after reviewing the charges which had been made against Caelius of impiety toward his father and of having won the disapprobation of his fellow-townsmen, Cicero refutes them by the presence and the grief of Caelius's parents and *municipales*, and concludes: *videor mihi iecisse fundamenta defensionis meae, quae firmissima sunt si nituntur iudicio suorum.* The author of the *Commentariolum* at the beginning of the second main division of the treatise (16) discusses the significance for Cicero's canvass of the *studia amicorum*, a topic which is then analyzed at considerable length. After pointing out that the term *amicus* is of wider application in the *petitio* than in the rest of life, he says we must nevertheless remember that the friendships which depend upon natural ties of blood and affinity, or any relationship, are of first importance. The situation, it will be seen, is analogous to that set forth in the passage of the oration *pro Caelio*, cited above. The concluding words of both passages are here set side by side. *Pro Cael.*, 6: *ab his fontibus profuxi ad hominum famam et meus hic forensis labor vitaeque ratio dimanavit ad existimationem hominum paulo latius commendatione ac iudicio meorum.* *Com.*, 17: *nam fere omnis sermo ad forensem famam a domesticis emanat auctoribus.* The similarity of the two passages in relation to the general argument of both works, the identity in thought, and such verbal resemblances as *famam*, *forensis*, *dimanavit* (*emanat*), lead me to believe that we have here a genuine reminiscence of Cicero.<sup>8</sup>

But more striking than resemblances to words of Cicero, though not more decisive for proving the later origin of the work, are two passages, which I pointed out before, containing reminiscences from Horace and from Publilius Syrus respectively. I revert to them again for the sake of making my list of significant resemblances complete, and to add a further consideration which was overlooked before. Horace, *Serm.*, I, 3, 58: [Bene sanus ac non incautus (61)] *hic fugit omnis || insidias nullique malo latus obdit apertum, || cum genus hoc inter vitae versetur ubi acris || invidia atque vident ubi crimina.* *Com.*, 54: *video esse magni consilii atque artis in tot hominum cuiusque modi vitiis tantisque versantem vitare offensionem vitare fabulam vitare insidias.* That *esse magni consilii atque artis* is the essential equivalent of *bene*

<sup>8</sup>The resemblances between *Com.*, 9 and *de Har. Resp.*, 42, I have not repeated from my former article, because the relationship is probably not a direct one. I suspect that the oration *in Toga Cand.* contained a review of the life of Catiline, similar to the passage of the *de Har. Resp.* directed against Clodius, and that the passage of the *Com.* is derived from the former of these. Cicero has many

such biographical summaries of invective (*Verr.* III, 60; IV, 126).

I would add here another parallel to which, however, I attach no particular significance. *Com.*, 2: *ita paratus ad dicendum venito, quasi in singulis causis iudicium de omni ingenio futurum sit.* With this compare *de Or.*, I, 125: *quotiens enim dicimus totiens de nobis iudicatur.*

*sanus ac non incautus* may perhaps appear more plainly from the Horatian designation of the names which malice gives to discretion (*ibid.*, 61): *pro bene sano ac non incauto fictum [artis] astutumque [consilii] vocamus*. But it is not only the fact of parallelism which leads me to think that this is a conscious reminiscence of Horace: the introductory formula *video esse* is the author's acknowledgment of a reminiscence which he could not expect to pass unobserved. This use of *video* is one of the most constant forms of introduction for a quotation, an appeal to authority, or an example based on literary evidence. For example, *de Leg.*, II, 8: *hanc video sapientissimorum fuisse sententiam*. *Or.*, 67: *video visum esse nonnullis*, and many others.

The reminiscence from Publilius Syrus is found in *Com.*, 45: *illud difficilium (est) . . . quod facere non possis, ut id iucunde neges. . . . Cum id petitur quod . . . promittere non possumus . . . belle negandum est. . . . Audivi hoc dicere quendam de quibusdam oratoribus ad quos causam suam detulisset, gratiorem sibi orationem eius fuisse qui negasset quam illius qui recepisset*. With this compare Publilius Syrus, *Sententiae* (*ap. Gellium*, 17, 14): *pars benefeci est quod petitur si belle neges*. There can be no doubt it seems to me that the passage of the *Commentariolum* presents a paraphrase of the *Sententia* of Publilius, in which the point of the original saying appears first in the form *iucunde neges*, but is betrayed a moment later by *belle negandum*; while it will not escape notice that *pars benefeci* of Publilius is paraphrased by *gratiorem sibi orationem*, etc. Furthermore, in a manner somewhat similar to the use of *video esse* in the reminiscence from Horace above, *audivi* here affords a sort of acknowledgment of the borrowed phrase, which the writer could not expect to pass unnoticed. The juxtaposition *belle negare* does not seem to occur elsewhere, and our passage may serve to defend the text of Publilius as presented by the MSS. of Gellius (reading *velle*). As early as the time of Macrobius *eito neges* formed the conclusion of the line and became the vulgate reading.

In view, therefore, of these resemblances I do not hesitate to reaffirm my conviction that the *Commentariolum* is the work of some rhetorical student, who chose the epistolary form in which to write a *suasoria* which should be a counterpart to Cicero's first letter *ad Quintum fratrem*. As was natural, he made use primarily of the orations of Cicero which bore most directly on his theme—of the oration *in Toga Candida* for his invective against Catiline and Antonius, and of the oration *pro Murena* for precepts *de petitione consulatus*. In one instance as we have seen (p. 5) he reproduced from the oration *in Toga Candida* the second part of a continued metaphor (*duas in rem publicam sicas destringere*), overlooking the fact that it had significance only in relation to the part preceding (*Hispaniensi pugiunculo . . . nervos incidere*). Fresh from the reading of the *pro Murena*, he not unnaturally incorporated into his treatise some ideas and expressions which are only intelligible in the light of that speech, and these instances afford the most conclusive proof of the spuriousness of the work. The letter was not, of course, meant as a forgery—it was merely a rhetorical exercise, and in the concluding words one can still seem to detect the deferential tone of a pupil asking for



criticism of his master, and commending in modest words the earnestness of his purpose: *si quid mutandum esse videbitur aut omnino tollendum, aut si quid erit prae-teritum, velim hoc mihi dicas; volo enim hoc commentariolum petitionis haberi omni ratione perfectum.*<sup>9</sup> But, as being an exercise and not a deliberate literary forgery, no care was taken to avoid anachronism in the use of the material. In lexicography and grammatical usage the language points to a relatively early date, but this cannot afford the slightest ground of objection to the conclusion that the work is spurious, as Schanz urges. We know from the elder Seneca that only a few years after the death of Cicero declaimers were busy with *suasoriae* which dealt with his career, and Asconius tells us of spurious orations which purported to be the replies of Catiline and Antonius to the oration *in Toga Candida*.

## RHETORICAL FORM

It is a commonplace of text-criticism that we are not justified merely in rejecting, no matter how grave the suspicion which we may cast upon the text called into question; we must advance a step farther and account for the presence of the interpolation. A similar demand is made of higher criticism, although in the present case it would seem to be met adequately by the general suggestion outlined above, of a rhetorical exercise which should be the counterpart of *ad Quintum fratrem*, I, 1. But inasmuch as this does not seem to have conveyed to some of the adherents of authenticity a satisfactory explanation of the theory of origin, it will not perhaps be superfluous at this point to indicate more accurately the rhetorical source and the literary affinities of the *Commentariolum*.

Ziehen, in the paper cited above (p. 3), says: "den Zweck dieser Rhetoren-fälschung . . . vermögen wir nicht recht zu erkennen" (p. 84). To these words Gurlitt (*Jahresbericht*, Vol. 109, 1901, p. 16) replies: "den Zweck einer Schulübung, einer Suasorie, unter denen das *consilium dare* bekanntlich zu den beliebtesten Themata gehörte." Gurlitt's words I quote gratefully as giving the true name and classification to the work in the exercises of the rhetorical schools. To be sure the *suasoriae* which the elder Seneca describes (and which will occur to the reader most naturally as specimens of this form) are, in the situations which they present, of a somewhat different character. They show us Alexander or Cicero, for instance, deliberating between two alternative plans, or lines of conduct (*deliberat Alexander an Oceanum naviget; deliberat Cicero an Antonium deprecetur*), the one or the other of which is urged by the advisers who deliver the *suasoriae*. In none of them is advice given concerning the attainment of a concrete end. Nevertheless the purpose, *consilium dare*, is the same as that which underlies the *Commentariolum*. The field was obviously wide, and that the material might assume many forms, Quintilian observes (III, 8, 15): *nam et consultantium et consiliorum plurima sunt genera*.

<sup>9</sup> In one other case the conscious pupil seems to peer through (49): *ac ne videar aberrasse a distributione mea qui haec in hac populari parte petitionis disputem, hoc sequor*.

The *pars deliberativa* says Quintilian (*ibid.*, 6) *quae eadem suasoria dicitur . . . officii constat duobus suadendi ac dissuadendi*; its goal as defined conventionally by the rhetoricians is *utilitas*, a conception which Quintilian finds too narrow and to which he adds *honestas*, especially in the *quaestio inter utile atque honestum* (*ibid.*, 24). With reference to arrangement the *suasoria* requires only a brief *prooemium*, if any be used at all (*etiam cum prooemio utimur, brevior tamen et velut quodam capite tantum et initio debemus esse contenti*); a *narratio* is likewise unnecessary in a matter of private deliberation—*quia nemo ignorat id de quo consulit* (*ibid.*, 10).

Into this rhetorical framework the *Commentariolum* falls without constraint. Cicero is bidden to deliberate on the circumstances of his *petitio* (2): *prope cotidie tibi ad forum descendenti meditandumst*; and the writer offers the results of his own reflections (*quae mihi veniebant in mentem dies ac noctes de petitione tua cogitanti*) in the form of admonition to or warning against certain lines of conduct. Of technical language, apart from that which has just been cited, which reveals the author's consciousness of the rhetorical form which he is using, one may note (46): *illud alterum (<ut false promittas>) subdurus tibi homini Platonico suadere, sed tamen tempori consulam*. (27): *hoc quod ego te hortor, etc.* (39): *tantum est huius temporis admonere* (*cf. Emporius de deliberativa materia*, Halm, p. 572, 15: *suasio est . . . admonendi causa*). *Utilitas* as the goal of the writer's admonition appears constantly in phraseology of every kind; the frequent use of *adiuvare* and *prodesse* may be noted especially (*c. g.*, in secs. 4–6). In some cases the *quaestio inter utile atque honestum* is raised and answered without hesitation in favor of the former; as for instance in the example cited above: *sed tempori consulam*, where see the whole context 45–48. *Cf.* also such examples as 42: *opus est blanditia, quae etiamsi vitiosa et turpis in cetera vita, tamen in petitione necessaria est*; and 25: *potes honeste (in petitione), quod in cetera vita non queas, etc.* Practically all the utterances in the *Commentariolum* which may be classed as exhorting to dishonorable conduct belong in this category, and we shall judge them less harshly if we remember that they follow a conventional precept of the *genus deliberativum* (*v. Quintilian, loc. cit.*, 41 and 42). The end, in short, must justify the means, and the author of our treatise thought not otherwise (56): *et plane sic contende omnibus nervis ac facultatibus ut adipiscamur quod petimus* (*cf. Quintilian, loc. cit.*, 34: *videndum quid consecreturi simus et per quid; ut aestimari possit plus in eo quod petimus sit commodi an vero in eo per quod petimus incommodi*). In arrangement the *Commentariolum* corresponds to Quintilian's rule cited above, in that it has a very brief *prooemium*, from which it passes over immediately to the *tractatio*: *narrationem vero numquam exigit privata deliberatio* (Quint., III, 8, 10). It is to be said, however, that the first topic of the *tractatio* in a manner supplies the place of a *narratio*, as is explained below.

This question of the relation of our treatise to rhetorical theory may be concluded with the following observations, which afford us a glimpse into the very work-

shop of the rhetorician. In introducing the question of the material of the *suasoria* Quintilian pleads for a wider range than his predecessors had admitted, and begins his treatment thus (*loc. cit.*, 15): *quare in suadendo et dissuadendo tria primum spectanda erunt: quid sit de quo deliberetur, qui sint qui deliberent, qui sit qui suadeat*. It is with reference to this precept that our author distributes his matter in the opening of the treatise proper as follows (2): *civitas quae sit, cogita, quid petas* [= *quid sit de quo deliberetur*], *qui sis* [= *qui sint qui deliberent*]. After thus making recognition of the fundamental considerations of the *pars suasoria*, this abstract rhetorical formula is repeated in reverse order with the special conditions of the particular case filled in: *ad forum descendenti meditandumst: novus sum* [*qui sis*], *consulatum peto* [*quid petas*], *Roma est* [*civitas quae sit*]. The merit which the writer claims for his performance lies not in any originality of suggestion, but in this methodical analysis and arrangement of the matter in accordance with rule (1): *ut ea quae in re dispersa atque infinita viderentur esse ratione et distributione sub uno aspectu ponerentur*.

That of Quintilian's threefold division the member *qui sit qui suadeat* is here lacking, is most natural. For whatever might be said of the qualifications of the writer to give advice, or in justification of his doing so, would belong to a preface or epilogue (as we shall see in a parallel example below), and not to the advice itself. In the situation which the *Commentariolum* presents the topic is sufficiently covered by allusion to fraternal affection as the author's motive for writing (*amore nostro non sum alienum arbitratus*, in the preface). Of the three divisions into which the *tractatio* is thus distributed, the third, *Roma est*, is treated very briefly at the end (54-6). The whole emphasis lies upon the other two divisions, and especially upon the second (*consulatum peto*), which really forms the essential *tractatio* and justifies the author's designation of his work as a *commentariolum petitionis*. I suspect, however, that the writer having in mind a threefold analysis of the *pars suasoria* such as Quintilian presents, and being unable to use the rubric *qui sit qui suadeat* as a part of his argument, cast about for a third member which should take the place of it. He found it perhaps in such a precept of the *genus deliberativum* as Cicero presents in *de Oratore*, II, 337: *ad consilium de re publica dandum caput est nosse rem publicam: that is, civitas quae sit cogita*. In further confirmation of this suggestion I would quote the words which follow in Cicero: *ad dicendum vero probabiliter nosse mores civitatis, qui quia crebro mutantur genus quoque orationis est saepe mutandum*. With this compare the following passage from the treatment of the topic in the *Commentariolum* (54): *video esse magni consilii atque artis . . . esse unum hominem accommodatum ad tantam morum ac sermonum ac voluntatum varietatem; quare etiam atque etiam perge tenere istam viam quam institisti, excelle dicendo*. (A suggestion of this third topic is contained in Quintilian (*loc. cit.*) in allusion to the passages of the *de Oratore* just cited; Cicero . . . duo esse praecipue nota voluit, vires civitatis et mores.)

The *Commentariolum* is therefore a *suasoria* composed in accordance with the precepts of rhetorical theory. A classical and genuine model of the type in epistolary

form is afforded by the letter of Cicero *ad Quintum fratrem* to which frequent allusion has been made. But in spite of generic resemblance it reveals a somewhat different character; for the advice given is of a more general ethical nature (protreptic or paracnetic) than practical and with reference to the attainment of a concrete end.<sup>10</sup> Still more essentially they differ in this respect, that the letter of Marcus is truly epistolary and maintains throughout a vital relationship with the personality of the one addressed. In form it conserves the freedom of an epistle and is wholly absolved from the constraint of a rhetorical formula. It is impossible, for instance, to detect in it any regard for rhetorical precepts such as govern the arrangement of the *Commentariolum*.

For closer parallels in this respect we must descend to the plane on which, as I have explained above, the *Commentariolum* seems to me to belong—to the declamatory literature of the schools, written under the impersonation of an historical name and situation (*prosopopoeiae*).<sup>11</sup> Of this kind there are two quasi-epistolary documents which I would cite as closely analogous in conception and technique to our letter: the two pseudo-Sallustian treatises *ad Caesarem senem de re publica*. They are edited by Jordan (3d ed., pp. 139–52) as *incerti rhetoris suasoriae*—a classification which requires no justification. The second is an epistle, as *perlectis litteris* in 12, 1, shows; that the first on the other hand is an *oratio*, as Jordan inscribes it, the form does not seem to me to indicate conclusively.<sup>12</sup> It is, however, a matter of no vital importance, for the second with its fervid epilogue shows how little check the epistolary form imposed upon the style. The arrangement of matter in both is essentially the same; for illustration the first will suffice. It consists of a *prooemium* (1) setting forth the duty of all to give Cæsar such advice as each one finds possible; a brief *narratio* (2) setting forth the situation, for the instruction of the declaimer's audience, rather than for the benefit of Cæsar (*cf.* Quintilian, above, p. 12), a *tractatio* (3–8, 6) with twofold division *de bello atque pace*, and a brief epilogue (8, 7).

The *tractatio* is introduced thus: *igitur quoniam tibi victori de bello atque pace agitandum est, . . . de te ipso primum, qui ea compositurus es, quid optimum factu sit existuma*. Although the writer here begins with the topic *de te ipso*, the division concludes with the words (5, *init.*): *de bello satis dictum*. That is the topic *qui sit qui deliberet* (Quintilian, *supra*) is merged with a portion (*sc. de bello*) of the topic *quid sit de quo deliberetur*. This latter division is made especially prominent in introducing the second part (5): *de pace firmanda, quoniam tuque et omnes tui agitis, primum id, quaeso, considera quale sit de quo consultas*. The epilogue (8, 7) summarizes the two preceding topics of the *genus deliberativum* (*quae rei publicae*

<sup>10</sup> On the distinction see Syrianus in WALZ, IV, 763 (cited by VOLKMANN, *Rhetorik*, p. 294). That the letter of Cicero belongs to the general category may be shown in rather an interesting way by comparison with the typical specimen of the *ἐπιστολή συμβουλευτική* which is contained in the pseudo-Demetrian *τύποι ἐπιστολικοί* (Hercher, p. 3, section 11). The resemblance in argument to *ad Quint. frat.*, I, 1, is noteworthy.

<sup>11</sup> *Cf.* QUINTILIAN, III, 8, 49: *ideoque longe mihi difficil-*

*limae videntur prosopopoeiae, in quibus ad reliquum suasoriae laborem accedit etiam personae difficultas*. The ordinary *suasoria* advised Cicero, for instance, but without definition of the person of the adviser.

<sup>12</sup> Jordan's reasons for assigning this title are, I presume, set forth in his treatise *De suasoriis ad Caesarem senem de re publica* (Berlin, 1868), which I regret has been inaccessible to me.

*necessaria* [*de quo deliberetur*] *tibi*que *gloriosa* [*qui deliberet*] *ratus sum, quam paucissimis* (*apsolvi*) and turns briefly to the third, *qui sit qui suadeat*, in the succeeding words: *non peius videtur pauca nunc de facto meo disserere*. The background of rhetorical theory which governs the arrangement of the matter is the same as in the *Commentariolum*. As there the topic *qui sit qui suadeat* was touched on but slightly in the preface (*amore nostro non sum alienum arbitratus ad te perscribere*), so in the first *suasoria ad Caesarem* it is alluded to briefly in the conclusion.

In the second *suasoria* the author sets forth in the *prooemium* his qualifications for giving advice (the topic we have just considered), but has no thought of finding anything which would not occur to Cæsar himself (*quod non cogitanti tibi in promptu sit*). His only hope is to come to the assistance of Cæsar amidst the distracting cares of military and public life: *sed inter labores militiae interque proelia victorias imperium statui admonendum te de negotiis urbanis* (2, 2). The excuse of the impersonator of Quintus Cicero for addressing Marcus is the same. He does not expect to suggest anything new (*non ut aliquid ex his novi addisceres*, sec. 1), nor does he arrogate to himself superior knowledge; he would only undertake what Cicero has not leisure for (epilogue): *haec sunt quae putavi non melius scire me quam te, sed facilius his tuis occupationibus colligere unum in locum posse et ad te perscripta mittere*.

It is noteworthy that in both the *suasoriae ad Caesarem* the *tractatio* consists of a twofold division of the topic *quid sit de quo deliberetur*, which is, however, different in each: in I, *de bello atque pace*, as we have seen; in II it is introduced thus (5): *in duas partes ego civitatem divisam arbitror, sicut a maioribus accepi, in patres et plebem*. In the *Commentariolum*, I have observed above, there is no regular *narratio*; the *tractatio* begins at once with the topic *qui sis-novus sum*. But it will be seen on a perusal of this first section that in setting forth the *subsidiâ novitatis*—the friends on whom Cicero may rely, the character of his opponents, etc.—the author has put the reader in possession of the main features of the situation. The *tractatio* proper thereupon occupies the large central portion of the treatise (16–54) and (as in the *suasoriae ad Caesarem* above), divides the rhetorical topic *quid sit de quo deliberetur* (*quid petas*) into two divisions (16): *petitio magistratum divisa est in duarum rationum diligentiam, quarum altera in amicorum studiis altera in populari voluntate ponenda est*. The transition from the *studia amicorum* to the *popularis voluntas* is made in 41, as follows: *quoniam de amicitiiis constituendis satis dictum est, dicendum est de illa altera parte petitionis quae in populari ratione versatur*. Compare with this the transition at the beginning of the second division in the second *suasoria ad Caesarem* (10, *init.*): *nunc quoniam, sicut mihi videor, de plebe renovanda corrigendaque satis disserui, de senatu quae tibi agenda videntur dicam* (*cf.* also the first, chap. 5, *init.*).

It will thus be seen that in the conception of a situation (*Q. Cicero ad Marcum fratrem de petitione consulatus*), in the rhetorical arrangement and divisions, in the assumed motive for writing, and in the main transitions there is much similarity between the *Commentariolum* and the pseudo-Sallustian *suasoriae ad Caesarem senem*

*de re publica*. Not less striking are some details of language and treatment. A few examples will suffice to show the similarity of hortatory forms, which for convenience I take from the second *ad Caesarem*. 4, 4: *quo magis tibi etiam atque etiam animo prospiciendum est quoniam modo rem stabilias eommuniasque*. (*Com.*, 55: *quare etiam atque etiam perge tenere istam viam quam institisti*). 5, 8: *hos ego censeo permixtos cum veteribus novos in coloniis constituas*. (*Com.*, 18: *hos tu homines quibuseumque poteris rationibus ut . . . tui studiosi sint elaborato*). 6, 6: *quo tibi, imperator, maiore cura fideique amici et multa praesidia paranda sunt*. (*Com.*, 29: *quam ob rem omnes centurias multis et variis amicitiiis cura ut confirmatas habeas*). 8, 3: *haec ego magna remedia contra divitias statuo*. (*Com.*, 56: *atque haec ita nolo te illis proponere*). 8, 5: *si pecuniae decus ademeris, magna illa vis avaritiae facile bonis moribus vincetur*. (*Com.*, 30: *ex his principes ad amicitiam tuam si adiunxeris, per eos reliquam multitudinem facile tenebis*). 11, 3: *sed quoniam coaequari gratiam omnium difficile est, . . . sententias eorum a metu libera*. (*Com.*, 55: *et quoniam in hoc vel maxime est vitiosa civitas . . . fac ut, etc.*).

In the treatment of the invective directed against the opponents of Cæsar there is much which is analogous to the abuse of Cicero's competitors in the *Commentariolum*. Compare the introduction to this section in 8, 6: *tibi eum factione nobilitatis haut mediocriter certandum est. quoniam si dolum caveris, alia omnia in proelivi erunt*, with the conclusion of the corresponding division of the *Com.*, 12: *quare tibi si facies ea . . . quae debes, non difficile <erit> certamen cum eis competitoribus, etc.* Of the opponents of Cæsar, Bibulus Domitius and Cato are the only ones counted worthy of special abuse (9, 4): *reliqui de factione sunt inertissimi nobiles, in quibus sicut in titulo praeter bonum nomen nihil est adlitiementi* (followed by scornful allusions to the impotence of Postumius and Favonius). Similarly in the *Commentariolum* Catiline and Antonius are treated as the only significant competitors of Cicero (7): *nam P. Galbam et L. Cassium summo loco natos quis est qui petere consulatum putet? vides igitur amplissimis ex familiis homines, quod sine nervis sunt, tibi pares non esse*. The writer continues: *at Catilina et Antonius molesti sunt: immo homini navo . . . innocenti . . . optandi competitores, ambo a pueritia sicarii, etc.* With the same  $\sigma\chi\eta\mu\alpha\ \lambda\acute{\epsilon}\xi\epsilon\omega\varsigma$  the more important opponents of Cæsar are introduced (9, *init.*): *M. Bibuli fortitudo atque animi vis in consulatum erupit: hebes lingua, magis malus quam callidus ingenio*. But see the whole context of both documents for further illustration.

But in spite of many such resemblances in detail it is nevertheless to be said that the minuteness of subdivision and of detailed admonition in the *Commentariolum* is not paralleled by the *suasoriae ad Caesarem*. They move in a larger atmosphere of generalities and reveal accordingly more of the recognized traits of the declamatory exercise. But in excuse for the absence of detailed suggestions the writer of the second *suasoria* describes what he might have done in words which are (though in a different subject-matter) an accurate characterization of what the author of the *Com-*

*mentariolum* has done. His language may serve as evidence that such a detailed treatment of a theme was not alien to the practice of the schools (12, *init.*): *forsitan, imperator, perlectis litteris, desideres quem numerum senatorum fieri placeat, quoque modo is in multa et varia officia distribuatur; iudicia quoniam omnibus primae classis committenda putem, quae discriptio, quae numerus in quoque genere futurus sit. ea mihi omnia generatim describere haud difficile factu fuit.* One need only glance briefly at the argument of the *Commentariolum* to see how accurately it has carried out the kind of treatment which the author of the *suasoria* here indicates. For example, under the main heading of the *tractatio* (*de studiis amicorum*) the author analyzes the number and character of those whom Cicero must consider and make his friends, and enumerates the duties which must be assigned to each. A single precept typical of many will suffice in illustration (*Com.*, 20): *fac ut plane eis omnibus (amicis) . . . discriptum ac dispositum suum cuique munus sit.*

The foregoing exposition of the literary form of the *Commentariolum*, and of its relationship to undisputed products of the rhetorical schools, should afford, I think, an entirely satisfactory theory of origin. That the author was able to maintain the rôle and the situation which he had assumed without serious violation of historical truth was due, probably, less to painstaking care to avoid error in this respect, than to the security of the subject-matter and the method of its treatment. For, except in the first division, which deals with Cicero's competitors, and in which the author was able to follow the oration *in Toga Candida*, there is very little allusion to historical personages or events. In one such case our treatise is at variance with the statement of Asconius.<sup>13</sup> In another instance Mommsen (*loc. cit.*, *supra*, p. 3), has noted that a distinction is made (in 33) between the *equites* proper and the young men who are classed with them in the *centuriae equitum*, which is contrary to Ciceronian usage, and therefore for this period erroneous. But on the whole the writer has kept himself so closely to abstract analysis and classification that he has run little danger of falling into demonstrable error.

Though the rhetorical origin of the work might have escaped detection from this point of view, yet, as we have seen, its character is revealed by the use of literary sources subsequent to the date of the situation assumed. But not less clearly I think is the rhetorician unmasked in the pedantic division of his matter in accordance with the precepts which we find in Quintilian. For it is to be kept in mind that Quintilian in designating the three topics to which every deliberation is to be referred does not teach that these are to form the outline of the argument. It is merely that a contemplation of the subject under deliberation, of the person deliberating, and of the person giving advice, shall yield the points of view from which the matter is to be treated, and govern the style and tone. Nothing more can have been intended, as

<sup>13</sup> It is with reference to the defence of Q. Gallius, which according to the *Com.*, 19 had already been made. Asconius p. 78, 29, comments: *Q. Gallium, quem postea reum ambitus defendit, significare videtur.* But a conflict of testimony

in a single instance cannot be used for the question of authenticity; for if the *Com.* is a genuine document the evidence of Asconius must yield to a contemporary witness: if it be spurious, credence must be given rather to Asconius.

is shown by the fact that the same considerations were named by the technicians for the composition of letters (*R. L. M.*, p. 589: *in epistolis considerandum est, quis ad quem et qua de re scribat*). It is the index of a naïve intelligence that the authors of the three *suasoriae* which we have considered have carried over into the division of their arguments this general injunction. In the *suasoriae* which the elder Seneca reports it is evident that much stress was laid upon a careful and exhaustive *divisio*;<sup>14</sup> in them there is a distinct fondness for a threefold division, but I have observed no case where it consists of these three topics.

#### STYLE

But if the *Commentariolum* is the work of a rhetorical student are there then any features of the style which would seem appropriately to characterize such a source? That the style is "dry and sober and unlovely" (*sicca sobria invenusta*) Bücheler has said, and with this judgment as a whole no one will quarrel. But our question has been answered more directly by Leo who says (*loc. cit.*, 447): "von rhetorischem Stil ist in der Schrift keine Spur." He further points out that the elaborate and painful *distributio* is rather an archaic feature of the style than evidence of later origin in a rhetorical school. He observes also that Quintus was a Stoic and betrays a Stoic's pride in dialectical artifice. If, in fact, as *de Divinatione*, I, 10, would seem to show (*arcem tu quidem Stoicorum, Quinte, defendis*), Quintus was a Stoic, we are in a better position to understand the significance of *de Oratore*, II, 10 and 11, in which playful allusion is made to Quintus's aversion to rhetoric, and we need not hesitate to identify it with the general hostility of Stoicism to practical rhetoric.

As for the painstaking *distributio*, we have seen above that it finds parallels in the school *suasoriae*, though we may grant that it is sufficiently characteristic of the dialectical manner: but to deny that there are any traces of rhetorical style in the treatise is to shut one's eyes to some very obvious examples and to a still larger number which are perhaps somewhat less obvious. Of successful or admirable rhetoric there is, to be sure, none at all, but of forced and puerile striving after rhetorical effects there is an abundance throughout the work. Not to mention the frigid vehemence of the invective directed against Catiline and Antonius (7-12), which contains the principal *lumina dicendi* of the work, we have such trivial antitheses as the following (2): *ita paratus ad dicendum venito quasi in singulis causis iudicium de omni ingenio futurum sit*. (12): *uno suffragio duas . . . sicas destringere*. (35): *ex communibus proprii ex fucosis firmi*. Note especially the effort of sustained antithesis and balance in the following example (48):

id si promittas, et *incertum est et in diem et in paucioribus*;  
 sin autem neget et *certe abalienes et statim et pluris*.  
 . . . Quare satius est ex his *aliquos aliquando in foro*  
 tibi irasci quam *omnis continuo domi*.

<sup>14</sup> For the subject in general cf. such expressions as the *omni dimissa divisione*. Examples of a threefold division: following 3, 3: *hoc Cestius diligenter divisit*, 5, 7: *Triarius* 1, 10; 2, 11; 5, 4; 6, 10.



But the feature of style which I would illustrate here especially is one to which, so far as I am aware, attention has not hitherto been called—the rhythmical structure of the treatise. The forms of rhythmical *clausulae* which it contains are essentially the same ones as are found in the orations of Cicero and in such a letter as the first *ad Quintum fratrem*: the dichoreus (*competitor*), cretic and spondee (*competitores*), double cretic (*competitoribus*). Further variety is afforded by several other forms which are related to these by the resolution of long syllables, or the substitution of long for short syllables. Thus a spondee may take the place of a trochee ( - - | - ≐ *num virtute*); a cretic may be constructed with an irrational long in the second place—especially the first of a sequence of two cretics ( - - - | - ~ ≐ *sicas destringere*); either long of the cretic may be resolved ( - ~ ~ | - ≐ *esse videre*, or ~ ~ - | - ≐ *genera cognoscas*) and I have noticed one instance where both are resolved ( ~ ~ ~ | - ≐ *facere videre* in 25, balanced by *esse videre*). In a few cases even the irrational second syllable of the cretic is resolved ( - ~ - | - ~ ≐ *promittere non possumus*). In the form - ~ - | - ≐, the first syllable of the last foot is frequently resolved ( - ~ - | ~ ~ ≐ *aut nihil valeat*). Another form which is apparently a recognized clause is - - ~ ~ (*nullum fore*), though concerning its rhythmical interpretation I am in doubt. Of more complex forms note especially the dichoreus preceded by a cretic ( - ~ - | - ~ ~ ~ *liberos constuprarit*).

These rhythmical clausules are found with great regularity at the end of periods; they are usually found also at the conclusion of the separate *κῶλα* which make up the periods, and sometimes even in such smaller divisions as may be designated *κόμματα*. They follow the usual rules of Latin verse in respect to *syllaba anceps* and elision. A typical illustration is afforded by the opening sentence of the treatise, which I here transcribe:

Etsi tibi omnia suppetunt ea quae consequi ingenio aut usu homines aut intelligentia posunt ( - ~ - | - - )  
 tamen amore nostro non sum alienum arbitratus ( - ~ ~ - | - ~ ~ ~ )  
 ad te perscribere ea quae mihi veniebant in mentem  
 dies ac noctes de petitione tua cogitanti ( - ~ ~ - | - ~ ~ ~ )  
 non ut aliquid ex his novi addisceres ( - ~ - | - ~ - )  
 sed ut ea quae in re dispersa atque infinita viderentur esse ( - ~ - | - ~ ~ ~ )  
 ratione et distributione sub uno aspectu ponerentur ( - - - | - ~ ~ ~ ).

An example in which the rhythmical clausule is used even in short *κόμματα* is afforded by section 16:

quisquis est enim  
 qui ostendat aliquid in te voluntatis ( - ~ - | - ≐ )  
 qui colat ( - ~ - )  
 qui domum ventitet ( - ~ - | - ~ ≐ )  
 is in amicorum numero est habendus ( - ~ ~ ~ ).

But my purpose is not so much to show that the author of the *Commentariolum* uses the rhythmic clausule, as to point out certain more striking examples of its use,

in which it is the instrument of a conscious and artificial rhetoric. First a few examples to show the extremes to which the author goes in the employment of rhythmical language. The treatment of the theme proper begins in sec. 2 with the following wholly rhythmical sentence:

*civitas quae sit* (- - - | - - -)  
*cogita* (- - -)  
*quid petas qui sis* (- - - | - - -)

The same ideas are presented in chiasitic order a moment later in the almost equally rhythmical form:

*novus sum consulatum peto Roma est* (- - - | - - - | - - -).

The conclusion of the treatise is marked by a sentence of equally extreme and artificial rhythmical character:

*quare si advigilamus pro rei dignitate* (- - - | - - - - -)  
*et si nostros ad summum studium benivolos excitamus* ( - - - - - | - - - - - )  
*et si hominibus studiosis nostri suum cuique munus describimus* (- - - | - - - - - )  
*et si competitoribus iudicium proponimus* ( - - - - - | - - - - - )  
*sequestribus metum inicimus* (- - - | - - - - - )  
*divisores ratione aliqua coercemus* (- - - | - - - - - )  
*perfici potest ut largitio nulla sit* (- - - | - - - - - )  
*aut nihil valeat* (- - - | - - - - - ).

In view of these examples I suspect that one or two other passages were written to attain a conscious rhythmical effect, as, for instance, 26:

*modo ut intellegat . . . fore*  
*ex eo non brevem et suffragatoriam* (- - - | - - - | - - - | - - - - - )  
*sed firmam et perpetuam amicitiam* (- - | - - | - - - - - | - - - - - ).

Is it too fanciful to see in the rapid movement of the cretics the fleeting character of a campaign friendship, and in the slow movement of the spondees the stable friendship which is urged? Observe also the vivid rhetoric of the following (10):

*quid ego nunc tibi de Africa* (- - - | - - - - )  
*quid de testium dictis scribam?* (- - | - - - )  
*nota sunt et ea tu saepius legito* (- - - | - - - - - | - - - | - - - - - ).

Of balanced clauses with or without assonance and with identical rhythmical clause there are many examples. Some of the most noteworthy are these (8):

*in petitione autem consulatus Cappadoces homines compilare* (- - - - )  
*per turpissimam legationem maluit quam adesse et populo Romano supplicare* (- - - - ).  
 (10): *qui ex curia Curios et Annios, ab atriis Sapalas et Carvilius, ex equestri ordine Pompi-*  
*lios et Vettios sibi amicissimos comparavit* (- - - | - - - - - ); *qui tantum habet audaciae*  
*tantum nequitiae, tantum denique in libidine artis et efficacitatis ut prope in parentum*  
*gremiis praetextatos liberos constuprarit* (- - - | - - - - - ).

(In this passage, as in many of the preceding examples, the clause form, consisting of a dichoreus preceded by a cretic, is noteworthy.) The following example is remarkable for the use of elision to secure assonance between the members of an antithesis (2):

non potest qui  
dignus habetur patronus *consulari* (- - - -)  
um indignus consulatu *putari* (- - - -).

In the following case similar rhythm enforces the effect of a pointed word-play (12):

non difficile certamen erit cum eis competitoribus qui nequaquam sunt  
*tam genere insignes* (- - - - | - - - -)  
*quam vitiis nobiles* (- - - - | - - - -).

Of simple balance with identical clause, but without assonance or particular rhetorical artifice, there are many examples. In conclusion, a few instances where the natural order of the words is violated, apparently to produce the desired clause (33):

multo enim facilius illa adolescentulorum ad amicitiam *aetas adiungitur* (- - - | - - - -).

Similarly in 57, for the sake of the cretic before the dichoreus, we have:

si nostros ad summum studium *benivolos excitamus* ( - - - | - - - - )

where Bücheler, partly because of the substantival use of *benivolus* and partly because of the unusual order, brackets *benivolos* as spurious, and is followed by Müller. But see below, p. 22. In many cases, even though the word order is natural enough, it is probable that regard for a certain clause has determined the arrangement. For example 1:

non ut aliquid ex *his novi addisceres* (to produce - - - | - - - -),

and 17:

omnis sermo . . . . a domesticis emanat *auctoribus* (to yield - - - | - - - -).

TEXT

The oldest and best manuscripts containing the *Commentariolum*, which have thus far been discovered, are two: E (Erfurtensis, now Berolinensis No. 252) of the end of the eleventh or of the early twelfth century (Bücheler, p. 11), and H (Harleianus No. 2682) of the latter part of the eleventh century (E. Maunde Thompson). Both manuscripts contain miscellaneous works of Cicero and, for the question of authenticity, it may be of some significance that in both the *Commentariolum* follows the pseudo-Ciceronian epistle ad Octavianum, at the end of the collection of letters. But that is a question which must be left to the historian of the text of Cicero's letters. For the *Commentariolum* E was first employed as representing the purest source of the text by Bücheler in his edition of 1868. The value of H for this treatise was pointed out by Baehrens, who published a careful collation of the text in his *Miscel-*

*lanca Critica* (Groningen, 1879). The edition of Müller (Leipzig, 1898) was the first to present a text based upon these two sources: it has now been followed by that of Purser (Oxford, 1902). The problem of relationship between the texts offered by these two manuscripts is one which can only be solved by a study of the affinities of the two codices as a whole. Some remarks on this point will be found in *Collations from the Harleian MS. of Cicero 2682*, by A. C. Clark (Oxford, 1892), on pp. xiv-xvi. I have examined both manuscripts myself without, however, finding anything of importance to correct in the collations of Bücheler and Baehrens, except in a single instance, which will be noted below.

Before taking up the passages in which I shall endeavor to emend the text, I would note briefly that in a few instances the readings of our manuscripts are defended against proposed deletions by the rhythmical laws which have been set forth in the preceding section. So, for example, Bücheler edits in

12: *qui nequaquam sunt tam genere [insignes] quam vitis nobiles*. But the soundness of our text is fully vindicated by the presence of the rhythmical balance which was pointed out above p. 21. Similarly Bücheler (whom Müller and Purser follow) edits in

57: *si nostros ad summum studium [benivolos] excitamus*. But we have seen above (p. 21) that the sequence of clauses in the series of sentences beginning with *si*, demands the (resolved) cretic *benivolos* before the double trochee *excitamus*. In view of these cases I hesitate to follow Bücheler (and Müller) in

1: *etsi . . . suppetunt ea quae consequi ingenio aut usu homines [aut intelligentia] possunt*. For although the clause - - - | - - (*usu homines possunt*) is found, yet of vastly more frequent occurrence is the form - - - | - - (*intelligentia possunt*).

The author begins with the resources which will be of assistance to Cicero as a *novus homo*. In sec. 3 he enumerates the classes of men whom Cicero already has, and among them *studio dicendi conciliatos plurimos adulescentulos*. These are to be confirmed in their allegiance. To be won over to his support are *homines nobiles*, especially those of consular rank, and young men of noble family.

6: *praeterea adulescentes nobiles elabora ut habeas vel ut teneas studiosos. quos habes multum dignitatis afferent*. Most editors (and so Müller) omit the period after *studiosos*, and punctuate after *habeas*. The words *vel ut teneas* are, I believe, corrupt, for as an alternative to *ut habeas* they are inept, if not meaningless, since the *adulescentes nobiles* cannot be held (*teneas*) until they are won (*habeas*). But Cicero already has a constituency of young men, *studio dicendi conciliatos* (3). Now the *adulescentes nobiles* are to be won to the same allegiance as those whom he already has. I read, therefore: *praeterea adulescentes nobiles elabora ut habeas, VELUT TENES studiosos quos habes*.

In this connection I would take up a very difficult and corrupt passage in 33. To understand it aright it is necessary to go back to 29, in which the necessity of

Cicero's strengthening his position by varied friendships is set forth. The matter is taken up in a *partitio* as follows: *primum* (29), *deinde* (30), *postea* (30); whereupon follows the passage in question in

33: *iam equitum centuriae multo facilius mihi diligentia posse teneri videntur. primum cognosce equites, pauci enim sunt. deinde appete . . . deinde habes tecum ex inventute optimum quemque et studiosissimum humanitatis; tum autem quod equester ordo tuus est, sequentur illi auctoritatem ordinis, si abs te adhibebitur ea diligentia, ut non ordinis solum voluntate sed etiam singulorum amicitias eas centurias confirmatas habeas.* Accepting the corrections which H affords, incorporated in Müller's text as here given, the remaining difficulties of this passage consist, first, in the apparent absence of a concluding member to the *partitio* and, secondly, in the obscurity of reference in *illi*. This word would seem to refer to the young men mentioned just before (*optimum quemque, etc.*). But if that is the meaning, it is remarkable that at one moment Cicero is said to hold the allegiance of a certain class, and in the next that the same class should be referred to as one that will follow the authority of the *equites* in support of him, provided sufficient care is exercised. The *equites* are already Cicero's friends (*cf.* 3); with care their loyalty is assured (*diligentia posse teneri*). They are therefore disposed of briefly. Now in the enumeration above referred to we had the divisions *primum, deinde, postea, iam*. But last of all and as a class distinguished from the *equites*<sup>15</sup> appear the *adolescentes*. *Deinde* I would therefore change to DENIQUE, introducing the concluding member of the *partitio*. In this class are to be taken up first those *adolescentes* whom Cicero already has, viz., *optimum quemque et studiosissimum humanitatis* (the *studio dicendi conciliatos* of 3). But just as in secs. 3 and 6 the *adolescentes* were, as we saw, of two kinds, so also here. For apart from the young men who are attracted to Cicero by oratorical pursuits, there are *others*, for whom another motive to allegiance must be provided—the authority and example of the *ordo equester*. I would read therefore: DENIQUE *habes tecum ex inventute optimum quemque et studiosissimum humanitatis. tum autem quod equester ordo tuus est sequentur ALII auctoritatem ordinis, etc.* For the form of expression *optimum quemque . . . alii, cf. de Officiis, I, 99.*

9: *educatus in sororis stupris.* The passage is thus edited in all the texts, and according to Bücheler's apparatus (*ex silentio*) is the reading of E. But E reads without variant *sorum*, which is confirmed by H, reading *sorore*, with correction by the original hand to *sorum*, which should therefore be restored to the text.

18: *hos tu homines quibuscumque poteris rationibus, ut ex animo atque ex illa summa voluntate tui studiosi sint elaborato.* H reads *ex illo*, Meyncke conjectured *ex intuma voluntate*. *Illa* is defended rather ingeniously than convincingly by Tyrrell *ad loc.* It would seem that critics have overlooked a very simple correction here, unless the formulary character of *summa voluntate* seemed to forbid change. I would

<sup>15</sup> On this distinction (which is also made in 3 and 6) and the correctness of it, *cf.* MOMMSEN, *Röm. Staatsrecht*, Vol. III, p. 484 and note.

read MAXUMA (spelled *masuma*, thus giving rise to *illa summa*) *voluntate*. Cicero affords at least one example of *maxima voluntate* (*Verr.*, II, 2, 51), and probably there are others.

23: *Tertium illud genus est studiorum voluntarium*. Bücheler makes a readable text by bracketing *studiorum*, and is followed by Müller and Purser. Eussner (Tyrrell and others) correct to *studiosum voluntariumque*. The passage is the third member of a *partitio* outlined in 21, to which *illud* refers: *tribus rebus homines ducuntur . . . beneficio, spe, adiunctione animi ac voluntate*. These members are then taken up singly—*beneficiis* (21), *spe* (22), and so to the passage in hand. It will be observed that the reason for loyalty in each case is derived from a source named, which fails for the third member. Methodical correction should not, therefore, make the source co-ordinate with the end as in Eussner's reading—*studiosum* (the end) *voluntariumque* (source). We require rather: *tertium illud genus est studiosum VOLUNTATE*, the correctness of which is revealed by the words which follow: *quod . . . significanda erga illos pari voluntate . . . confirmari oportebit*, where *pari* points back to the preceding *voluntate*. Cf. *de Inv.*, II, 166: *amicitia (est) voluntas erga aliquem . . . cum eius pari voluntate*.

24: *Hos ut inter nos calumniatores spe*. The L group restores the thought with *hos ut internoscas videto ne spe*. Bücheler reads *elaborato*. What imperative stood here it is impossible to say with certainty, but from the group of letters—*ummi*—in *calumniatores* we may restore confidently OMNIS (cf. *umeris* from *umnis*, the reading of H for *omnis* in 48). We shall not be far from the truth for the whole passage in reading: *Hos ut internoscas OMNIS CURATO ne spe*, etc. *Omnis* is appropriately used in a summary following the enumeration of various classes (cf. 19 *extr.*, and 23 *extr.*).

38: *nec aliud ullum tempus futurumst ut tibi referre gratiam possint*. Bücheler, in the critical apparatus says against the lemma *ut*: “*u* cum superscripta *t*, non *ubi* vocis compendium.” But according to Baehrens *ubi* is the reading of H, and reference to Pron, *Manuel de Paléographie* (2d ed., 1892), p. 335, will show that the compendium which Bücheler here describes (but the superscribed letter is not of course *t*) stands regularly for *ubi*. The matter has seemed worth mentioning, because here, as in a number of other cases where Müller has followed Bücheler, there is discernible a tendency toward the establishment of a vulgate text. But Purser reads correctly *ubi*.

41: *Dicendum est de illa altera parte petitionis quae in populari ratione versatur. ea desiderat nomenclationem, blanditiam, assiduitatem, benignitatem, rumorem, spem in re publica*. H reads *spem in rem publicam*; l 50, *speciem in re publica*. The interpretation of the phrase *spem in re publica* seems to me difficult. There is but one meaning the words can have—*spem in re publica positam*. But that surely has little to do with the *ratio popularis*, with which the other requisites named are concerned. Each one of these is considered in detail; *nomenclatio* (42) *blanditia* (42) *assiduitas* (43) *benignitas* (44) *rumor* (50). Editors I presume have held that *spem in re publica* is taken up in the *partitio* at 53: *atque etiam in hac petitione maxime*

*videndum est ut spes rei publicae bona de te sit et honesta opinio.* But this is a totally different thing from the *spem in re publica* of 41, which proceeds from Cicero, and can only mean Cicero's hope or confidence in the state, while *spes rei publicae bona de te* proceeds from the people, and refers to their confidence in him. Furthermore, if this passage were the concluding member of the *partitio*, we should expect some transitional word like *denique* or *postremo* to introduce it, and not a formula which points to something new—*atque etiam* (cf. Seyffert, *Schol. Lat.*, Vol. I, p. 22). But in 52 (*init.*) after long consideration of *rumor* the author writes: *postremo tota pctitio cura ut pompae plena sit, ut illustris, ut splendida, ut popularis sit, ut habeat summam speciem ac dignitatem.* These words, I am convinced, give us the true conclusion of the *partitio* outlined in 41, as is indicated by *postremo*, and also by the summarizing of the *ratio popularis* which is suggested by the last of the accumulated adjectives *ut popularis sit*. They reveal also that l 50 (from whatever source) has given at least a partially correct reading in 41—*speciem in re publica*; for it is some such word of external demonstration or display that we require to correspond to the others of the group—*nomenclatio, blanditia, etc.* In itself *speciem in re publica* might conceivably stand as a satisfactory reading; but since it occurs in the treatment of the *ratio popularis*, it would seem to me that *in re publica* is too general, if indeed the political connotation of the word would be tolerable here at all. I conjecture, therefore, SPECIEM IN PUBLICO, for which cf. Tacitus, *Dial.*, 6, 12 (where Aper is speaking of the rewards of the orator): *iam vero qui togatorum comitatus et egressus! quae in publico species!*

I would point out, finally, that sec. 53, to which I have alluded above (*videndum est ut spes rei publicae bona de te sit*), does not belong to the division of the work devoted to the *ratio popularis*, but follows it (introduced by *atque etiam*) as a concluding section to the whole of the second main division *consulatum pcto*. Accordingly it takes into account not the *populus* only, but all classes of citizens—*senatus, equites et viri boni, multitudo*.

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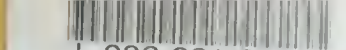


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